AGENDA

BERKELEY CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 18, 2012

7:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY

TOM BATES, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – DARRYL MOORE
DISTRICT 3 – MAX ANDERSON
DISTRICT 4 – JESSE ARREGUIN
DISTRICT 5 – LAURIE CAPITELLI
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – GORDON WOZNIAK

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, CMC, Acting City Clerk, 981-6900.

The City Council may take action related to any subject listed on the Agenda. The Mayor may exercise a two minute speaking limitation to comments from Councilmembers. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Five persons selected by lottery will have two minutes each to address matters not on the Council agenda. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a name card to the City Clerk in person at the meeting location and prior to commencement of that meeting. Five cards will be drawn by the City Clerk to determine the speakers who will be allowed to comment during the first round of public comment on non-agenda matters. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Name cards are not required for this second round of public comment on non-agenda matters.*

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Up to three speakers will be entitled to two minutes each to speak in opposition to or support of a Consent Calendar Item. The Presiding Officer will ask additional persons in the audience to stand to demonstrate their respective opposition to or support of the item.*

In the event that there are more than three persons wishing to speak either in opposition to or support of a "Consent" item, the Presiding Officer will move the item to the beginning of the Action Calendar. Prior to moving the item, the Presiding Officer will fully inform those persons in the audience of this process.

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

The Council will first determine whether to move items on the agenda for action or "Information" to the "Consent Calendar", or move "Consent Calendar" items to action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

After hearing from public speakers regarding items remaining on the Consent Calendar, any Council Member may move any Information or Consent item to "Action", however no additional items can be moved onto the Consent Calendar at that point. Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items removed from the Consent Calendar to the Action Calendar for additional public comment, at the time the matter is taken up during the Action Calendar, public comment will be limited to persons who have not previously addressed that item during the Consent Calendar related public comment period.

1. Contract Agreements: Alameda County to Support Programs in Aging Services Division in Fiscal Year 2013

From: City Manager

Recommendation: Adopt five Resolutions authorizing the City Manager or her designee to submit contract agreements to Alameda County, and execute any resultant revenue agreements and amendments to provide congregate and home-delivered meals, family caregiver support, senior center activities and information and assistance services to seniors for the following revenue agreements:

1. Congregate Meals in the amount of $25,388 for fiscal year 2013 to manage service of 49,931 meals to seniors via the Tri-City Nutrition Program. Meals are provided at the North Berkeley Senior Center, South Berkeley Senior Center, Redwood Gardens, Albany Senior Center and Emeryville Senior Center.
2. Home Delivered Meals in the amount of $31,195 for fiscal year 2013 to manage delivery of 50,909 meals through the Tri-City Nutrition Program to Berkeley, Albany and Emeryville home-bound seniors.
3. Family Caregiver Support Program in the amount of $31,383 for fiscal year 2013 to provide outreach, training and information to caregivers, and respite for senior care receivers.
4. Senior Center Activities in the amount of $22,200 for fiscal year 2013 to support outreach, activities, social events and classes at the North and South Berkeley Senior Centers.

Consent Calendar

5. Information and Assistance Services in the amount of $41,048 for fiscal year 2013 to provide information, assistance, referral and follow-up to Seniors receiving services in the North and South Berkeley Senior Centers and the Aging Services Division Social Services Unit.
Financial Implications: See report
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

2. Contract No. 8960 Amendment: W.R. Forde Associates for the Transfer Station Green Waste Fluid Separation Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 8960 with W.R. Forde Associates for the provision of construction services, increasing the amount by $108,923 for a revised total contract not to exceed $520,000.
Financial Implications: Refuse Collect Disposal Fund - $108,923
Contact: Andrew Clough, Public Works, 981-6300

Council Consent Items

3. Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Mayor Bates
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Mayor Bates to the Berkeley Holiday Fund's annual campaign with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Bates and any other Councilmembers who would like to contribute.
Financial Implications: Mayor's Discretionary Fund - $500
Contact: Tom Bates, Mayor, 981-7100

4. Leave of Absence for Mental Health Commissioner Nemirow
From: Councilmember Arreguin
Recommendation: Adopt a Resolution approving a three month leave of absence from October 1, 2012 through December 31, 2012 for Mental Health Commissioner Kim Nemirow.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

5. Proclamation Declaring October 13, 2012 as Indigenous Peoples Day and Approving City Co-Sponsorship
From: Councilmember Arreguin
Recommendation: Approve the attached proclamation:
1. Declaring October 13, 2012 as Indigenous Peoples Day in the City of Berkeley; and
2. Approving City co-sponsorship of the 2012 Indigenous Peoples Day event.
Financial Implications: None
Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Council Consent Items

6. City Manager Referral: Standardize Finance Categories of Software and Exclusively Internet Companies
From: Councilmember Worthington
Recommendation: Refer to the City Manager creating one simple clear standard for categorizing software companies and exclusively internet companies that do business in Berkeley. If it is necessary to have multiple categories, then the City can provide a simple summary of what activities will trigger being assigned to different business license or tax rate categories.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

7. Proclamation in Honor of Bisexual Pride Day
From: Councilmember Worthington
Recommendation: Adopt a proclamation that September 23, 2012 is Bisexual Pride Day in Berkeley.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

8. Support UNITE HERE! and the Workers at the HMS Host at the Oakland International Airport
From: Councilmember Worthington
Recommendation: Support UNITE HERE! and the workers at the food and retail subtenants of HMS Host at the Oakland International Airport.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar

After the initial ten minutes of public comment on non-agenda items and public comment and action on consent items, the public may comment on each remaining item listed on the agenda for action as the item is taken up. Where an item was moved from the Consent Calendar to Action no speaker who has already spoken on that item would be entitled to speak to that item again.

The Presiding Officer will request that persons wishing to speak line up at the podium to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action Calendar – Public Hearing

Staff shall introduce the public hearing item and present their comments. The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Action Calendar – Public Hearing

9. Establishment of the Berkeley Tourism Business Improvement District
From: City Manager
Recommendation: Conduct a public hearing on the establishment of the Berkeley Tourism Business Improvement District (BTBID or "the District"), and upon conclusion if no majority protest exists after tabulation of assessment ballots, adopt two Resolutions:
1. Establishing the BTBID for the five-year period beginning November 1, 2012 and ending October 31, 2017.
2. Authorizing the City Manager to execute a sole source contract and any amendments with the Visit Berkeley (VB) for $375,000 of BTBID funds to support tourism marketing and promotion for the period November 1, 2012 to October 31, 2012.
Financial Implications: See report
Contact: Michael Caplan, Economic Development, 981-7530

10. Consideration of Revisions to Policies Regarding BPD Mutual Aid Memoranda of Understanding (MOU) and Approval of 2012 Mutual Aid MOU Compendium

a. From: City Manager
Recommendation:
1. Review and comment on the following proposed new and amended policies drafted pursuant to the Council's direction at its June 19, 2012 meeting:
a. Submittal of Suspicious Activity Reports (SARs) to the Northern California Regional Intelligence Center (NCRIC) (General Order N-17);
b. Immigration Detainers (General Order J-1);
c. Criminal Intelligence (General Order C-1); and
d. Mutual Aid (General Order M-2).
2. Adopt a Resolution requiring review and approval by the City Council for grant applications for equipment costing more than $50,000, if the equipment is being provided to the Police Department through Urban Area Security Initiative (UASI) funds; and direct the City Manager to direct the Police Department to continue to follow its own policies and procedures when participating in UASI training, and to continue to send all UASI related training orders to the PRC for review.
3. Conduct a public hearing and upon conclusion, adopt a Resolution approving the 2012 Mutual Aid Memoranda of Understanding (MOU) Compendium as required by Berkeley Municipal Code Section 2.04.150 et. seq.
Financial Implications: See report
Contact: Michael Meehan, Police, 981-5900

b. From: Councilmember Worthington
Recommendation: Consideration of Revision to Policies Regarding BPD Mutual Aid Memoranda of Understanding (MOU) and Approval of 2012 Mutual Aid MOU Compendium. Amend Berkeley Municipal Code 2.04.170 – 2.04.190 to state specifically: Any and all Police Department MOU's or any other type of agreement or understanding with any and all external agencies such as UC Berkeley, City of Oakland, Homeland Security, FBI, FBI Joint Terrorist Task Force, ICE, shall be submitted in their entirety in writing to the City Council for review and consideration.
Financial Implications: None
Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action Calendar – New Business

11. a. Include Financial Literacy for Youth and Seniors in Community Agency Requests For Proposals
From: Human Welfare and Community Action Commission
Recommendation: Direct the City Manager to designate financial literacy training or coaching for low-income youth (ages 14-24) and seniors as a specific criterion or focus area in Request for Proposals (RFP) that target youth-serving and senior-serving community organizations. The scope of work should include: - Training sessions on money management strategies and lots of just-in-time real world practice (e.g. budgeting with a paycheck, planning to pay for college and other expenses, preventing elderly financial abuse, etc.) - Coaching and connecting youth to appropriate financial tools and services.
Financial Implications: See report
Contact: Drew King, Commission Secretary, 981-5410

b. Financial Literacy for Youth and Seniors in Community Agency Requests For Proposals
From: City Manager
Recommendation: Defer action on the Human Welfare and Community Action Commission's (HWCAC) request to make a financial literacy component in all youth-serving and senior-serving programs funded through the Community Agency Request for Proposals (RFP) process a funding priority. Staff will encourage applicants to include financial literacy in their program design, but not require it.
Financial Implications: None
Contact: Jane Micallef, Health, Housing and Community Services, 981-5400

Information Reports

12. Tenant Immigration Status Ordinance
From: City Manager
Contact: Zach Cowan, City Attorney, 981-6950

Public Comment – Including Items Not Listed on the Agenda –

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc., 1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of the civic center located at 2180 Milvia Street as well as posted on the City's website at http://www.cityofberkeley.info.

Agendas and agenda reports may be accessed via the Internet at http://www.ci.berkeley.ca.us/citycouncil and may be read at reference desks at the following locations:

City Clerk Department
2180 Milvia Street
Tel: 510-981-6900
TDD: 510-981-6903
Fax: 510-981-6901
Email: clerk@ci.berkeley.ca.us

Libraries:
Main - 2090 Kittredge Street
Claremont Branch – 2940 Benvenue

North Branch – 1170 The Alameda

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location.
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6346(V) or 981-7075 (TDD) at least three business days before the meeting date.
Please refrain from wearing scented products to this meeting.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on September 6, 2012.



Mark Numainville, CMC, Acting City Clerk

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.

Berkeley Patients Group

1. Nunya BNess

Posting Flyers

2. Carol Denney
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